

Introduced by Senator Simitian

February 17, 2005

An act to add Section 161 to the Penal Code, relating to traducement.

LEGISLATIVE COUNSEL'S DIGEST

SB 434, as introduced, Simitian. Traducement.

Existing law establishes the offense of falsely reporting the occurrence of a misdemeanor or felony. Existing law provides this offense is punishable as a misdemeanor.

This bill would establish the offense of traducement, defined as the attempt to knowingly and deliberately mislead any law enforcement officer to believe that an innocent person is guilty of committing any serious or violent felony and that results in the arrest and incarceration of that innocent person in any jail or prison. The act or acts constituting traducement may be direct, including, but not limited to, making a knowingly false statement directly to a law enforcement officer, or indirect, including, but not limited to, planting evidence, with the specific intent to mislead a law enforcement officer. The bill would provide that the offense is punishable by a imprisonment in the state prison for 3, 5, or 9 years.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 161 is added to the Penal Code, to read:
2 161. (a) Traducement is the attempt to knowingly and
3 deliberately mislead any law enforcement officer to believe that
4 an innocent person is guilty of committing any serious or violent
5 felony and that results in the arrest and incarceration of that
6 innocent person in any jail or prison. The act or acts constituting
7 traducement may be direct, including, but not limited to, making
8 a knowingly false statement directly to a law enforcement
9 officer, or indirect, including, but not limited to, planting
10 evidence, with the specific intent to mislead a law enforcement
11 officer.
12 (b) Traducement is punishable by imprisonment in the state
13 prison for three, five, or nine years.
14 (c) Prosecution for this offense must commence within three
15 years of discovery of the offense.
16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the
21 penalty for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition of a
23 crime within the meaning of Section 6 of Article XIII B of the
24 California Constitution.